

ENTERED

May 08, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GREGORY WADE BROOKS, a/k/a §
GREGORY WADE BROOKS, II, a/k/a §
GREGORY W. BROOKS, II, §

Plaintiff, §

v. §

HARRIS COUNTY JAIL, §

Defendant. §

Civil Action No. H-18-1408

ORDER OF DISMISSAL

Plaintiff, a pretrial detainee in custody at the Harris County Jail, filed this *pro se* section 1983 lawsuit seeking a “cash settlement” of \$7 million from the Harris County Jail. In support, plaintiff complains that his bail as a second offender was set at \$15,000.00, which he cannot afford. He contends that he should have been released on a personal bond. Plaintiff seeks leave to proceed *in forma pauperis*.

A review of this Court’s records shows that plaintiff raised these same complaints in an earlier lawsuit, *Brooks v. Harris County Jail*, C.A. No. H-18-1219 (S.D. Tex.). The lawsuit was dismissed with prejudice on April 23, 2018, for failure to state a colorable claim under section 1983.

Under section 1915A(b), the Court may dismiss *sua sponte* a prisoner’s lawsuit against a governmental entity if the Court finds that the lawsuit is frivolous or malicious, if

it fails to state a claim upon which relief may be granted, or if it seeks monetary relief against a defendant who is immune from such relief. Because the instant lawsuit raises the same claims as raised in the earlier lawsuit, this lawsuit is malicious and must be dismissed pursuant to section 1915A. *See Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (finding lawsuit malicious where it involved “the same series of events” and contained allegations of “many of the same facts” as in inmate’s earlier lawsuit); *see also Pittman v. Moore*, 980 F.2d 994, 994–95 (5th Cir. 1993) (affirming dismissal of prisoner lawsuit as malicious for same reasons).

For these reasons, this lawsuit is **DISMISSED WITH PREJUDICE** as malicious under section 1915A. Any and all pending motions are **DENIED AS MOOT**. This dismissal constitutes a strike for purposes of section 1915(g), and stands as plaintiff’s second strike. *See Brooks v. Harris County Jail*, C.A. No. 18-H-1219 (S.D. Tex. Apr. 23, 2018).

The Clerk of Court is directed to provide a copy of this order to plaintiff. The Clerk will also provide a copy of this order by regular mail or e-mail to Manager of the Three-Strikes List for the Southern District of Texas, at Three_Strikes@txs.uscourts.gov.

Signed at Houston, Texas, on this the 7th day of May, 2018.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE